

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RODOLFO HERNANDEZ,

2:13-CV-575 JCM (GWF)

Plaintiff(s),

V.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Defendant(s).

ORDER

Presently before the court is *pro se* plaintiff Rodolfo Hernandez's motion for reconsideration. (Doc. # 15). Defendant Federal National Mortgage Association has filed a response. (Doc. # 18). Plaintiff seeks reconsideration of this court's June 11, 2013, order granting defendant's motion to dismiss. (Doc. # 12).

20 Also before the court is plaintiff's motion for an evidentiary hearing. (Doc. # 16). The
21 defendant has filed a response. (Doc. # 17).

22 || I. Background

23 On March 11, 2013, plaintiff filed a complaint in state court containing causes of action for
24 negligent and intentional misrepresentation. (See doc. #1, Ex. 1, 3). Plaintiff further alleged that the
25 assignment and securitization of the original lender's interest in his property either satisfied or
26 voided his obligation to pay. *Id.* Based on these claims, plaintiff sought quiet title for the real
27 property located at 4030 Pistachio Nut. *Id.*

1 On April 4, 2013, the complaint was removed to federal court. (Doc. # 1). Defendant filed
 2 a motion to dismiss for failure to state a claim. (Doc. # 5). Despite liberally construing plaintiff's
 3 complaint, the court concluded that the complaint failed to state a claim upon which relief could be
 4 granted. (Doc. # 12). Defendant's motion to dismiss was granted and judgment was entered in its
 5 favor. (Docket # 13).

6 Plaintiff has filed the instant motions asking the court to reconsider its order dismissing his
 7 complaint, and requesting an evidentiary hearing. Upon review, it appears that plaintiff's motion
 8 for an evidentiary hearing, although filed separately, is identical to his motion for reconsideration.
 9 Accordingly, the court will address both motions as if they were filed as one.

10 **II. Legal standard**

11 As an initial matter, the court acknowledges that the motions for reconsideration and for an
 12 evidentiary hearing were filed *pro se*. Documents filed *pro se* are held to less stringent standards.
 13 *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“A document filed *pro se* is to be liberally construed,
 14 and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than
 15 formal pleadings drafted by lawyers.”) (internal quotations and citations omitted). However, “*pro*
 16 *se* litigants in the ordinary civil case should not be treated more favorably than parties with attorneys
 17 of record.” *Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir.1986).

18 It is with this relaxed standard in mind that the court evaluates plaintiff's motion for
 19 reconsideration. Motions for reconsideration “should not be granted, absent highly unusual
 20 circumstances.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).
 21 “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence,
 22 (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening
 23 change in controlling law.” *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993);
 24 *Kona*, 229 F.3d at 889-90 (listing same three factors).

25 **III. Discussion**

26 In his motions, plaintiff states that he “believes they [sic] did not have a chance to adequately
 27 defend the claim properly,” and that the claims should “be evaluated and be given a chance to be

1 heard by either hearing or trial of peers and decided on [m]erit [sic] rather than ruled on in
2 chambers.” (See doc. # 15). Plaintiff has not presented any newly discovered evidence, alleged that
3 the court committed clear error, or demonstrated an intervening change in controlling law.

4 Despite construing plaintiff’s motions with the liberal *pro se* standard in mind, the court
5 concludes that plaintiff has not presented any valid grounds for the court to reconsider its prior order.
6 It appears, instead, that plaintiff is hoping the court will come out a different way if it simply revisits
7 the issue. This is not the purpose of a motion for reconsideration. *See Teller v. Dogge*, no. 2:12-cv-
8 591-JCM-GWF, 2013 WL 508326, at *6 n. 6 (D. Nev. Feb. 8, 2013) (“Motions for reconsideration
9 are not appropriate when a party wants the court to think about the issue again in the hope that the
10 court will come out the other way the second time.”).

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for
13 reconsideration (doc. # 15) be, and the same hereby is, DENIED.

14 IT IS FURTHER ORDERED that plaintiff's motion for an evidentiary hearing (doc. # 16)
15 be, and the same hereby is, DENIED.

16 DATED October 8, 2013.

UNITED STATES DISTRICT JUDGE

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**James C. Mahan
U.S. District Judge**